

REMARKS

Reconsideration of the second Office action and forwarding of the present application to allowance are respectfully requested in view of the foregoing remarks.

Applicants believe that the amendment to claim 1 which it filed in response to the first Office action, defines over the art of record, and applicants wish to further explain why this continues to be the case.

In the second Office action, the examiner has rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by McKelvey (3,199,887). The examiner states that McKelvey teaches a uniformly-molded sled for use by a rider to glide upon a snow surface, including a front portion 10 and a rear portion 11, wherein the front portion 10 includes a median portion 12 and first and second foot rudder cavities formed by the sidewall 15 and front sections 10. The examiner has directed applicant to column 2, lines 43-50 and Figs. 1 and 4; in addition, the examiner has mentioned that column 3, lines 17-21 refers to foot sections for steering the sled.

In the first Office action, the examiner had rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over McKelvey in view of Krent (4,262,919), but now contends that McKelvey alone shows all of the limitations of claim 1, for the reasons set forth above.

Applicants submit that McKelvey does not disclose all of the claim limitations, and in particular does not disclose or suggest first and second foot rudder cavities connected to a median portion to be flexible relative thereto. McKelvey discloses in column 2, lines 43-50, "that the user of the sled may sit on the rear section 11 with the legs bent at the knee and spanning the intermediate section 12 while resting his feet

upon front section 10." And, in column 3, lines 17-21 that "...assistance may also be obtained in steering the sled by pressing down with one foot on the bottom of the forward ground engaging section, foot pressure being applied at the side of the sled toward which it is desired to turn."

But these statements do not disclose or suggest that the front sections, indicated at 10 in Figs. 1, 2 and 10 of McKelvey are flexible relative to a central or median portion. This is clear from a viewing of Fig. 2 of McKelvey, which is a front elevation view of the sled, showing it tilted or flexed, where it can be seen that each of the front sections 10 (not numbered) do not flex relative to any central or median portion. In contrast, applicants' invention, as embodied in claim 1, includes first and second foot rudder cavities 18 and 20 which are connected to median portion 16 to be flexible relative thereto. McKelvey in Figs. 1 and 2 shows dotted line positions of the sled, but that refers to flexing perhaps between the front and rear sections and not a flexible connection between where the feet would be placed, as disclosed only in applicants' invention.

For the reasons set forth above, it is submitted that claim 1 is not anticipated by McKelvey, nor any of the other references of record. Additionally, no combination of the references of record would show that applicants' invention, as embodied in the claims now before the examiner, are obvious. Accordingly, it is respectfully requested that a Notice of Allowance be issued forthwith.

If the examiner has any questions concerning this response, it is requested that the undersigned be telephoned before any further action is forwarded.

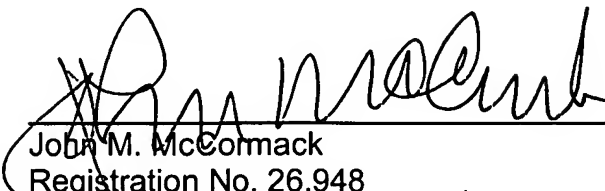
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on May 6, 2004.


Heidi Dutro

Respectfully submitted,

KOLISCH HARTWELL, P.C.


John M. McCormack
Registration No. 26,948
Customer No. 23581
Attorney/Agent for Applicant(s)/Assignee
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679